

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

ROY T. LEFKOE, On Behalf of Himself and)	No. 1:06-cv-01892-WMN
All Others Similarly Situated,)	(Consolidated)
)	
Plaintiff,)	<u>CLASS ACTION</u>
)	
vs.)	
)	
JOS. A. BANK CLOTHIERS, INC., et al.,)	
)	
Defendants.)	
)	
)	

STIPULATION TO STAY PENDING DEADLINES FOR NINETY DAYS

WHEREAS, on June 30, 2009, Lead Plaintiff Massachusetts Laborers' Annuity Fund ("Plaintiff") and Defendants Jos. A. Bank Clothiers, Inc., Robert N. Wildrick, David E. Ullman, and R. Neal Black (collectively, "Defendants") (together, the "Parties") held a mediation conference before the Honorable Susan K. Gauvey, United States Magistrate Judge for the United States District Court for the District of Maryland;

WHEREAS, during and after the June 30, 2009 mediation conference, the Parties worked together with Judge Gauvey's assistance to refine the parties' view of the merits of their respective cases, and thereafter continued to have settlement conversations outside of the formal mediation process based upon the principles identified with Judge Gauvey's assistance;

WHEREAS, the Parties now agree that a second mediation would be productive, and have agreed to hold a mediation/settlement conference (the "Mediation") before the Honorable Daniel Weinstein,¹ who has extensive experience mediating claims of violations of the federal

¹ Judge Weinstein has mediated such complex cases as Enron, Homestore, Qwest, Adelphia, Dynegy, Providian, Clarent, In Re: IPO, In Re: KB Home Shareholder Derivative Litigation, In Re: Unitedhealth Group, Inc., and cases involving other major NYSE and NASDAQ corporations.

securities laws including the cases that involve specialized issues similar to those involved in this case;

WHEREAS, based on Judge Weinstein's availability and the availability of the Parties and their counsel, the earliest mutually agreeable date for Mediation is October 22, 2009;

WHEREAS, impending deadlines prior to October 22, 2009 will require the Parties and the Court to expend significant resources prior to the Mediation;

WHEREAS, the Parties are currently involved in the time-consuming and expensive process of working with experts and litigating several third-party subpoenas in other jurisdictions, and likely will be involved in motion practice related to Plaintiff's Third Request for Production;

WHEREAS, the Parties desire to focus their efforts on preparing for the Mediation and continuing to work in good faith to resolve this action at the Mediation;

WHEREAS, the stay requested herein is not made for the purpose of delay and will not prejudice either Party;

WHEREFORE, the parties seek to extend all pending deadlines by ninety (90) days as set forth below.

IT IS HEREBY STIPULATED AND AGREED among the undersigned Parties that:

Item	Current deadline	Stipulated deadline
Plaintiff's reply in support of Motion to Exclude Dr. Meir Statman	August 14, 2009	November 12, 2009
Plaintiff's Rule 26(a)(2) expert disclosures	August 31, 2009	November 30, 2009
Defendants' Rule 26(a)(2) expert disclosures	October 2, 2009	December 31, 2009
Plaintiff's rebuttal expert disclosures, if any	October 30, 2009	January 28, 2010

Item	Current deadline	Stipulated deadline
Defendants' Sur-Reply in Opposition to Plaintiff's Motion for Class Certification	November 2, 2009	February 1, 2010
Defendants' rebuttal expert disclosures, if any	December 7, 2009	March 8, 2010
Plaintiff's Sur-Surreply in Support of Its Motion for Class Certification	December 7, 2009	March 8, 2010
Completion of fact discovery	December 8, 2009	March 8, 2010
Completion of expert discovery	December 8, 2009	March 8, 2010
All dispositive and <i>Daubert</i> motions due	January 11, 2010	April 12, 2010
Responses to all dispositive and <i>Daubert</i> motions	February 18, 2010	May 19, 2010
Replies in support of all dispositive and <i>Daubert</i> motions	March 8, 2010	June 7, 2010

DATED: August 10, 2009

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IT IS, *SO ORDERED*,

WILLIAM M. NICKERSON
SENIOR UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on August 10, 2009, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties wither via transmission of Notices of Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of electronic Filing.

s/Jack Reise
JACK REISE